

1 TRINETTE G. KENT (State Bar No. 025180)  
2 10645 North Tatum Blvd., Suite 200-192  
3 Phoenix, AZ 85028  
4 Telephone: (480) 247-9644  
5 Facsimile: (480) 717-4781  
6 E-mail: tkent@lemborglaw.com

7 Of Counsel to  
8 Lemberg Law, LLC  
9 A Connecticut Law Firm  
10 1100 Summer Street  
11 Stamford, CT 06905  
12 Telephone: (203) 653-2250  
13 Facsimile: (203) 653-3424

14 Attorneys for Plaintiff,  
15 Katie Hines

16 UNITED STATES DISTRICT COURT  
17 FOR THE DISTRICT OF ARIZONA

18 Katie Hines,

19 Plaintiff,

20 vs.

21 U.S. Collections West, Inc.,

22 Defendant.  
23  
24  
25  
26  
27  
28

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff, Katie Hines (hereafter “Plaintiff”), by undersigned counsel, brings the  
2 following complaint against U.S. Collections West, Inc. (hereafter “Defendant”) and  
3  
4 alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt  
7  
8 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

9 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28  
10  
11 U.S.C. § 1331.

12 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
13  
14 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
15 where Defendant transacts business in this district.

16 **PARTIES**

17 4. Plaintiff is an adult individual residing in Glendale, Arizona, and is a  
18  
19 “person” as defined by 47 U.S.C. § 153(39).

20 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

21 6. Defendant is a business entity located in Phoenix, Arizona, and is a  
22  
23 “person” as the term is defined by 47 U.S.C. § 153(39).

24 7. Defendant uses instrumentalities of interstate commerce or the mails in a  
25  
26 business the principle purpose of which is the collection of debts and/or regularly  
27  
28 collects or attempts to collect debts owed or asserted to be owed to another, and is a  
“debt collector” as defined by 15 U.S.C. § 1692a(6).

**ALLEGATIONS APPLICABLE TO ALL COUNTS**

8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to be owed to a creditor other than Defendant.

9. Plaintiff's alleged obligation arises from a transaction in which property, services or money was acquired on credit primarily for personal, family or household purposes, is a "debt" as defined by 15 U.S.C. § 1692a(5).

10. At all times mentioned herein where Defendant communicated with any person via telephone, such communication was done via Defendant's agent, representative or employee.

11. Within the last year, Plaintiff spoke to Defendant in an effort to resolve the alleged debt.

12. In early March of 2015, Defendant informed Plaintiff that it would provide Plaintiff with a single-party release, allowing her to pay one-third (1/3) of the alleged debt and stating that the alleged debt would come off of her credit report.

13. On March 25, 2015, Defendant's agent, David, informed Plaintiff that she would be responsible for one-half (1/2) of the alleged debt, retracting its initial single-party release offer.

14. Plaintiff requested information as to why Defendant was going back on its initial offer.

15. David began speaking to Plaintiff in a rude and abusive manner, stating that Plaintiff was "shady" and trying to avoid paying the debt.

1           16. As a result of David's abusive tactics, Plaintiff requested to speak with a  
2 different representative.  
3

4           17. Plaintiff was connected with Kevin, another one of Defendant's agents.

5           18. Kevin began raising his voice in an effort to intimidate Plaintiff, and  
6 caused Plaintiff to remove the phone from her ear due to the volume of his voice.  
7

8           19. On March 27, 2015, Plaintiff again spoke with Defendant's agent, David,  
9 and informed him that she was represented by an attorney. At that point, David, using  
10 a loud and abusive tone, repeatedly asked Plaintiff if she was filing for bankruptcy.  
11

12           20. David then proceeded to question Plaintiff about garnishments and  
13 implicitly threatened to take legal action against Plaintiff if the alleged debt was not  
14 paid.  
15

16  
17                                   **COUNT I**

18                   **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15**  
19                                   **U.S.C. § 1692, et seq.**

20           21. Plaintiff incorporates by reference all of the above paragraphs of this  
21 complaint as though fully stated herein.  
22

23           22. The FDCPA was passed in order to protect consumers from the use of  
24 abusive, deceptive and unfair debt collection practices and in order to eliminate such  
25 practices.  
26

27           23. Defendant attempted to collect a debt from Plaintiff and engaged in  
28 "communications" as defined by 15 U.S.C. § 1692a(2).

1           24. Defendant engaged in conduct, the natural consequence of which was to  
2 harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in  
3 violation of 15 U.S.C. § 1692d.  
4

5           25. Defendant used false, deceptive, or misleading representations or means  
6 in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.  
7

8           26. Defendant, without intending to take such action, represented and/or  
9 implied that nonpayment of the alleged debt would result in garnishment of Plaintiff's  
10 wages or attachment of Plaintiff's property, in violation of 15 U.S.C. § 1692e(4).  
11

12           27. Defendant used false representations or deceptive means to collect or  
13 attempt to collect a debt or obtain information concerning the Plaintiff, in violation of  
14 15 U.S.C. § 1692e(10).  
15

16           28. Defendant used unfair and unconscionable means to collect a debt, in  
17 violation of 15 U.S.C. § 1692f.  
18

19           29. The foregoing acts and/or omissions of Defendant constitute numerous  
20 and multiple violations of the FDCPA, including every one of the above-cited  
21 provisions.  
22

23           30. Plaintiff has been harmed and is entitled to damages as a result of  
24 Defendant's violations.  
25  
26  
27  
28

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
- D. Punitive damages; and
- E. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

DATED: April 23, 2015

TRINETTE G. KENT

By: /s/ Trinette G. Kent  
Trinette G. Kent, Esq.  
Lemberg Law, LLC  
Attorney for Plaintiff, Katie Hines